

Exhibit C

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

WINFRED MUCHIRA,)	Case 1:14-cv-00770
)	
Plaintiff,)	
)	
v.)	Alexandria, Virginia
)	January 15, 2015
HALAH AL-RAWAF, <i>et al.</i> ,)	10:04 a.m.
)	
Defendants.)	
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TRANSCRIPT OF
DEFENDANTS' MOTION FOR STATUTORY STAY
AND
FINAL PRETRIAL CONFERENCE
BEFORE THE HONORABLE ANTHONY J. TRENGA
UNITED STATES DISTRICT COURT JUDGE

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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1 them to do that and Justice closes, I'm assuming State
2 will also. Then we can go forward with the trial.

3 We have no interest, Your Honor, in a delay.
4 We have -- contrary to what the plaintiff alleges, we
5 have no interest in delaying. This was not something
6 tactical or strategical on our part. It's actually
7 something the plaintiff and the Justice Department
8 should have taken care of six months ago. We did it as
9 soon as we found out there was an open investigation.

10 THE COURT: Well, the State Department could
11 be investigating for reasons completely unrelated to
12 any prospective or possibility of criminal action;
13 couldn't it?

14 MR. KOSLOWE: It could. But in its letter to
15 us, it said, We have an open investigation into
16 Ms. Muchira's claims. Now, her claims include her
17 trafficking claims in the civil action. They didn't
18 say which claims. So I don't know which claims.

19 THE COURT: All right. I understand.

20 All right. Let me just take up first this
21 issue of the stay. The issue is whether
22 Section 1595(b) requires a stay in this action. I've
23 reviewed the briefing and conclude the following:

24 First, it seems to me that the defendants
25 have the right and the legal ability to request a stay

1 upon a proper showing that a criminal action is, in
2 fact, pending. In that regard, there's nothing in the
3 statute that would suggest that the stay must be
4 asserted by the Department of Justice or some other law
5 enforcement agency by way of intervention or otherwise.
6 Although, there is some logic to the position that,
7 given the reason for which the stay provision was
8 included, it would be for the benefit of the Department
9 of Justice, who arguably would have some discretion
10 whether to exercise that right. But as I read the
11 statute, there's nothing that requires the Department
12 of Justice to specifically make that request.

13 Secondly, to the extent a stay is
14 appropriate, the Court concludes that the entire action
15 would be stayed for a variety of reasons, including the
16 text of the statute, the purposes for which the stay
17 provision was included in the statute, the fact that
18 all of the plaintiff's claims arise out of the same
19 alleged facts and occurrences as her TVPRA claims under
20 Section 1595, and that it would frustrate the purposes
21 and policies embedded in Section 1595(b) to attempt to
22 continue the case as to claims other than the
23 trafficking claims. Bifurcating claims for the
24 purposes of Section 1595 would also result in multiple
25 trials that would be essentially identical in terms of

1 evidence issues and would result in the needless waste
2 of both the parties' and the Court's time and
3 resources.

4 Third, the Court is not persuaded that the
5 State Department investigation standing alone
6 constitutes a criminal action for the purposes of
7 Section 1595(a). While the definition of criminal
8 action includes an investigation as well as a
9 prosecution, it appears to the Court that the
10 investigation necessarily refers to a criminal
11 investigation of some sort.

12 It also appears to the Court that the law
13 enforcement investigation referenced in the State
14 Department's letter refers to an investigation with
15 respect to the issues within their jurisdiction.
16 Although they've framed it in terms of the issues that
17 Ms. Muchira has brought to their attention, it
18 certainly could include things other than human
19 trafficking, such as passport and visa fraud issues,
20 which are not necessarily part of a criminal
21 investigation or prosecution.

22 In any event, only the Department of Justice
23 has criminal prosecutorial authority, and any criminal
24 action would need to be instituted through that agency
25 or one of the U.S. Attorney's Offices. For that

1 reason, whether a stay is appropriate depends on
2 whether there is a pending Department of Justice
3 criminal investigation.

4 The plaintiff has represented that in a
5 recent contact with the Department of Justice, it
6 confirmed that a criminal investigation file remains
7 open, which DOJ indicated would be closed within a week
8 upon plaintiff's request. I understand that while that
9 request has not been made, it's the plaintiff's
10 intention to make such a request. In any event, at
11 this point, there's no dispute that there is, in fact,
12 a criminal investigation pending.

13 So for these reasons, the Court is going to
14 grant the defendants' motion for a stay pending
15 confirmation that the DOJ criminal investigation has
16 been closed, following which the stay will be lifted
17 provided, however, that the stay shall not apply to
18 plaintiff's outstanding discovery obligations or
19 plaintiff's pending discovery requests.

20 Also, given the prospects that the stay may
21 be lifted quickly, the Court is also going to establish
22 a trial date. The Court is going to remove from the
23 stay any mutual exchanges or other activities that the
24 parties might agree upon in anticipation of or in
25 preparation for the trial.